

REMARKS/ARGUMENTS

Applicant thanks the Examiner for his attention to this application.

Applicant confirms the telephone conference with the Examiner in which Applicant pointed out that it has claimed priority on the Application Data Sheet. Applicant respectfully requests that the claim be acknowledged.

Applicant has amended Claim 8 to address the objection.

Claims 1, 3-8, and 10-13 are rejected as anticipated by Mesnel '233. Applicant has slightly amended Claim 1 to make the scope of the claim even clearer. Applicant respectfully submits that the scope is not actually changed even though the Amendment makes it clearer that the elastomeric body forming the seal is a one-piece body (previously referred to as integral) which distinguishes it from the reference.

Mesnel relates to a sealing structure formed in two or more pieces. As shown in Figures 3-6 of Mesnel, there are two complimentary side pieces each terminating in a resilient flange having surfaces that engage the outside surface of a window pane. A separate base member designated 6 in Figures 4 and 5, engages an edge of the window and is provided with a flocked surface for reducing friction. It is not a seal. Notably, not only do the seals that engage the surface of the window in Mesnel not have the required hollow chambers as set forth in claim 1, but the seals are not formed from a one piece elastomeric body and the base portion of Mesnel is not provided with a sealing element. In fact, element 6 which Mesnel refers to as a spacer brace (column 2, line 32 et seq.) is limited to the side and upper portions of the window frame and consequently cannot provide a seal or at least if it is thought to provide a seal, seals only a portion of the periphery of the window. The construction of Mesnel is necessarily in multiple parts because, as Mesnel states, the construction of the

elements 1 and 2 permit easy installation while one simultaneously tightens a spacer brace 6 which has flocking on the inner face thereof i.e. on the portion against which the glass window abuts (column 2, lines 2-24).

Thus, not only does Mesnel not provide a hollow seal along a bottom/base portion, but Mesnel provides no seal at all along a bottom/base portion instead providing a spacer brace. Further, Mesnel shows a seal that is formed in multiple pieces thus failing to solve one of the purposes of Applicant's invention namely making installation easier and less expensive.

The Examiner relies on Herr '364 for the hollow seal along a bottom/base portion. While Herr shows hollow seals it is otherwise an example of the prior art over which the present invention is an improvement. During the time when Herr was in use, vehicle doors were formed differently as described in Applicant's invention. Only recently have vehicle doors been formed as shown in Figures 2-4 of this application rendering the seal construction of Herr inapplicable. Furthermore, the suggestion that using a base with a hollow portion as shown in Herr and Mesnel ignores Mesnel's requirement for a spacer brace that can be tightened against an edge of the glass window. The Examiner does not explain how that function would be accomplished using the construction of Herr and in fact it could not.

Claim 9 is rejected as unpatentable over Mesnel in view of Oda '160. The Examiner relies on Oda to show a weather strip having a hollow sealing element 30 having a web projecting from a U-shaped mount of a weather strip to show Applicant's hollow chamber being divided into several portions by at least one web. Applicant respectfully submits that even if Oda is taken as showing a hollow sealing element divided by a web, it does not provide the other elements missing from the references relied on.

Applicant has presented new claim 14 and dependent claims 15-26 that even more particularly point out and distinctively claim the invention.

Precautionary Fee-Charge Authorization

By way of precaution, the commissioner is authorized to charge any fees or fee amounts not otherwise authorized but necessary for the consideration of this paper or the continued pendency of this application to Deposit Account Number 03-3875 of Harter Secrest & Emery LLP.

Reconsideration and favorable action are requested. Applicant's below-signed representative may be reached by telephone at (585) 232-6500 with any questions regarding this application. All written correspondence should continue to be forwarded to the address of record for this application.

Respectfully submitted,

A handwritten signature, likely of Stephen B. Salai, is written over a horizontal line. To the right of the signature, the date "7/1/09" is handwritten.

Stephen B. Salai, Registration No. 26,990

Customer Number 23387

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